

> >To: Strow, Julia O. (EXCH) (ICI)
> >Cc: MORENO, TEOFILO (TED)
> >Subject: Bona Fide Request
> >
> >Julia:
> >
> >This is to provide you status of the UNE issue and to advise you Ted
> >Moreno will now be taking stewardship of the action items. I will
> >attempt to call you after sending this e-mail.
> >
> >In the next few days Ted will be sending you a letter suggesting
> >discussions to negotiate changes to the SWBT/ICI agreement which
> >address
> >combining of UNEs in light of the 8th Circuit's decision. Although
> >our
> >policy is still being finalized, I expect ICI will be offered several
> >of
> >the alternatives I previously provided (Texas arbitration brief).
> >
> >With regard to the Bona Fide Request for a 4 wire 56/64 Kbps digital
> >loop, the request must be re-submitted in writing with signature.
> >The
> >request will need to include the following:
> >
> >- technical description of each requested network element
> >- projected quantity of interconnection points
> >- demand forecast
> >- specify 56 Kbps or 64 Kbps per loop requested
> >- locations from end user to SWBT serving wire center with associated
> >quantities
> >- projected in service dates per SWBT serving wire center
> >
> >Please forward the information to Ted Moreno to begin the review
> >process
> >as described in the BFR agreement.
> >
> >I appreciate your patience as SWBT refines its UNE policy in this new
> >environment.
> >
> >Jerry
> >
> >
> >
> >
> >
> >
> >

Teofilo (Ted) Moreno
Account Manager-
Competitive Provider
Account Team

Southwestern Bell Telephone
511 S. Akard
Four Bell Plaza, 7th Floor
Dallas, Texas 75202
Phone 214 484-8804

March 6, 1998

Julia Strow
Intermedia Communications, Inc.
3625 Queen Palm Drive
Tampa, Florida 33619

Dear Ms. Strow:

You have requested a clarification of Southwestern Bell Telephone Company's (SWBT) position regarding the Bona Fide Request (BFR) process, as it relates to digital loops as an element of Unbundled Network Elements (UNEs). More specifically, you requested information regarding SWBT's response to Intermedia Communications, Inc. (ICI) stated desire to use the BFR process to secure 56/64Kbps digital loops.

The following information is being provided to meet that request.

Bona Fide Request (BFR) Process:

As specified in the SWBT/ICI interconnection agreements for Arkansas, Kansas, Missouri, Oklahoma and Texas, which were amended to add the BFR Appendix, SWBT will:

- promptly consider and analyze access to a new unbundled Network Element with the submission of a Network Element BFR;
- within ten (10) business days of its receipt, acknowledge receipt of the BFR; and
- except under extraordinary circumstances, within thirty (30) days of its receipt of the BFR, provide a preliminary analysis of the BFR, which will:
 - ◆ confirm if SWBT will offer access to the Network Element, or
 - ◆ provide a detailed explanation that

- 0 access to the Network Element is not technically feasible and/or
- 0 the request does not qualify as a Network Element that is required to be provided under the Act.

ICI's BFR for 56/64Kbps Digital Loop(s):

On January 21, 1998, I advised you, via electronic mail (e-mail), that the 56/64Kbps digital loop(s) which ICI wanted to request, under the BFR process, was not a Network Element(s) offered as UNEs; as such services were classified as an Access Services under SWBT's FCC Number 73 Tariff. This classification would disqualify such digital loops as Network Elements that are required to be provided, by SWBT, under the Act.

ICI, under the Bona Fide Request process, can request 4-wire digital loops (DS1 type facilities), which have a bandwidth capacity up to 1.544Mbps, or 2-wire digital loops, which have a bandwidth capacity up to 160Kbps, and then ICI can provision those facilities to the desired/correct useable bandwidth (e.g., 56/64Kbps).

In regards to this specific request, you have subsequently asked the following specific questions:

- Is it true that, unless the SWBT/ICI interconnection agreement(s) have a specific reference to digital elements as UNEs, SWBT will not honor a BFR for digital loops?

After reviewing the SWBT/ICI interconnection agreements, for Arkansas, Kansas, Missouri, Oklahoma and Texas, I have identified references to both 2-wire and 4-wire digital loops; with bandwidths up to 40KHz (2-wire digital loops) and 772KHz (4-wire digital loops). But, I understand your bottom-line question to be:

Would SWBT honor a BFR for other types of digital loops; such as 56/64Kbps digital loops that are not specifically identified in the SWBT/ICI interconnection agreement(s) as UNEs?

Yes, SWBT will honor (defined as: to receive and to give full consideration of) a BFR for any type of digital loop; subject to the provisions of the BFR Appendix of the SWBT/ICI interconnection agreements.

- Has SWBT provided any other Competitive Local Exchange Carrier (CLEC) a 56/64Kbps digital loop under the BFR process?

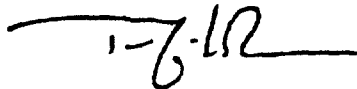
To the best of my knowledge, any similar BFR for 56/64Kbps digital loops, from another CLEC, has received the same response that I provided to ICI, in my 1/21/98 e-mail, that such digital loops are classified as Access Services under SWBT's FCC Number 73 Tariff.

- Was not ICI's desire to secure 56/64Kbps digital loops (under the BFR process) agreed to, during a December, 1997, meeting between SWBT (SWBT representatives attending being: Jerry Gilmore and Jack Frith) and ICI; when discussions were held regarding line extension for digital type elements?

SWBT representatives, at that meeting, agreed that the BFR process was the appropriate mechanism to be used, by ICI, for such request; without any predetermination of what SWBT's probable response would be to such a request.

I hope this response will satisfy your request for clarification of SWBT's position on the BFR process and, more specifically, your request for additional information regarding SWBT's response to ICI's stated desire to use the BFR process to secure 56/64Kbps digital loops. Please feel free to contact me, at (214) 464-6804, if you have any further questions regarding these matters.

Sincerely,



Teofilo (Ted) Moreno
Account Manager

EXHIBIT 7

 **Southwestern Bell**

6/14
100C
14

October 28, 1996

Don R. Loshman
Managing Director-
Regulatory

Ms. Paula Mueller
Secretary of the Commission
Public Utility Commission of Texas
1701 N. Congress
Austin, Texas 78701

Dear Ms. Mueller:

RE: Tariff Control No. 16541 - Application for Billing and Collection Services with Southwestern Bell Internet Services, Inc.

Attached are an original and five copies of Southwestern Bell Telephone Company's ("Southwestern Bell") application for approval of a customer-specific contract for Billing and Collection Services with Southwestern Bell Internet Services, Inc., pursuant to Substantive Rule §23.27. Public Utility Commission of Texas Substantive Rule §23.27(c)(1)(B) and Public Utility Regulatory Act of 1995 §3.051 (e)(3)(B) permit customer-specific contracts for Billing and Collection Services.

Attached for your use are copies of the support information demonstrating the reasonableness of the application and an affidavit reflecting proof of notice. Also attached as Schedule C, Attachment I, is an affidavit from Ms. Lise Shipley, Vice-President - Internet Systems, attesting that her company considered acquiring such Billing and Collection Services from one or more of Southwestern Bell's competitors.

Pursuant to Substantive Rule §23.27, a copy of this application is being delivered to the Industry Analysis and Competitive Issues Divisions of the Public Utility Commission of Texas and the Office of Public Utility Counsel on the date of filing.

On October 15, 1996, Southwestern Bell filed with the Commission and the Office of Public Utility Counsel a notice of intent to file an application pursuant to Substantive Rule §23.27. A copy of this notice is included in Schedule B, Exhibit 1.

516 Guadalupe
Room 634
Austin, Texas 78701

Phone 2 870-1370
Fax 512 870-3404

WCC EXHIBIT
NO. 14

SCHEDULE I
PAGE 2 OF 3ORDER FOR BILLING AND COLLECTION SERVICES3. Percent Interstate Usage (PIU)

Arkansas	Kansas	Missouri	Oklahoma	Texas
<u>1%</u>	<u>1%</u>	<u>1%</u>	<u>1%</u>	<u>1%</u>

The percent of interstate usage can be no less than 1%.

The Customer represents, that to the best of its knowledge, the PIU factor accurately represents the percent of interstate services which will be billed to the customer under this Agreement.

4. Intrastate Capacity Ordered in Texas

	<u>Year 1</u>	<u>Year 2</u>	<u>Year 3</u>
Message Bill Proc. (Billing)	<u>900,000</u>	<u>900,000</u>	<u>900,000</u>

5. New Customer Rendering Services Start-Up Charge

The start-up payment of \$50,000 is due from the Customer upon submission of a signed agreement to SWBT.

6. Guaranteed Minimum Purchase of Service

The Customer guarantees SWBT \$120,000 minimum purchase of service for each year of this Agreement.

7. Customer Carrier Identification Code (CIC) 04388. Customer Access Customer Name Abbreviation (ACNA) ZSI